



Docket No.: XACTP015B

#14
S. Zond
3/25/04

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re the application of

Schweitzer et al.

Application No. 09/935,131

Filed: 08/21/01

For: SYSTEM, METHOD AND
COMPUTER PROGRAM PRODUCT
FOR POLICY-BASED BILLING IN A
NETWORK ARCHITECTURE

Group Art Unit: 2142

Examiner: Thompson, Marc D.

Attorney Docket No. XACTP015B

Date: January 26, 2004

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Technology Center 2100

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on the above date.

Signed: Erica L. Farlow
Erica L. Farlow

Response To Request under 37 C.F.R. 1.105

Mail Stop Non Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Following is a list of information requested by the Examiner in a paper mailed 09/24/03.
(such information has been itemized by paragraph per the paper mailed 09/24/03).

2a. With respect to the request for any/all currently and/or previously associated trade name(s), and the earliest available user manuals of any goods or services the claimed matter is embodied in; submitted herewith as Appendices 1-7 is such subject matter of which those with a duty to disclose are currently aware. Moreover, applicant again draws the Examiner's attention to the dated Appendices A-G previously submitted on July 2, 2002.

The Examiner should note that the language "claimed matter is embodied in" implies that information is only requested regarding trade name(s), and the earliest available user manuals of any goods or services, wherein *all independently* claimed matter is embodied therein. To construe otherwise would require citing trade name(s), and goods or services that embody a single phrase or word of the claims. If applicant is construing such request incorrectly, and the office wishes to be inundated with paperwork in such manner, the Examiner is respectfully requested to clarify what is being requested.

2b. With respect to the dates initially published and copies of the earliest available associated descriptive documentation, i.e., white papers, sale brochures, and advertising/promotional literature, prepared for any goods or services the claimed subject matter is embodied in; the dates associated with Appendices 1-7 are as follows:

- Appendix 1 – May 2001
- Appendix 2 – May 25, 2001
- Appendix 3 – October 2000
- Appendix 4 – October 16, 2001
- Appendix 5 – October 16, 2001
- Appendix 6 – October 2000
- Appendix 7 – June 18, 2001

The Examiner should note that the language "of the earliest available associated descriptive documentation" refers to those documents that would constitute a bar to patentability (i.e. a disclosure, offer for sale, etc.). To construe otherwise would require citing confidential information, trade secrets, etc. If applicant is construing such request incorrectly, the Examiner is respectfully requested to clarify what is being requested.

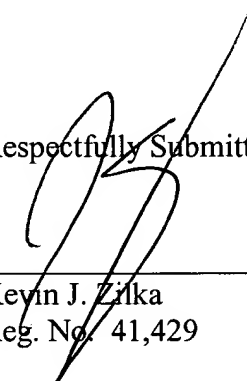
Again, the Examiner should note that the language "claimed matter is embodied in" is being construed as all *independently* claimed matter is embodied in.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. For payment of the fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. XACTP015B). A duplicate copy of the transmittal is enclosed for this purpose.

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Respectfully Submitted,



Kevin J. Zilka
Reg. No. 41,429